

APPEAL NO. 020726
FILED APRIL 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 25, 2002. The hearing officer resolved the disputed issue before her by determining that the appellant (claimant) did not have disability from September 19, 2001, through the date of the hearing, as a result of her _____, compensable injury. In her appeal, the claimant essentially argues that the hearing officer's determination in that regard is against the great weight of the evidence. In its response, the respondent (self-insured) urges affirmance.

DECISION

Affirmed.

Disability means the "inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." Section 401.011(16). The determination as to an employee's disability is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 92147, decided May 29, 1992. When an employee sustains a compensable injury, receives a light-duty release, returns to her employer at light duty, and then is terminated by the employer, we must consider whether her termination was for cause. Texas Workers' Compensation Commission Appeal No. 91027, decided October 24, 1991. If the termination was for cause, the employee must establish her disability after the termination by credible evidence. *Id.* The claimant testified that she returned to work in a light-duty capacity and continued working until September 18, 2001, when she was terminated for fraud; that she was charged and convicted of felony fraud; that she has looked for work but has not been successful; and that she has not worked since her employment was terminated on September 18, 2001. There was evidence from which the hearing officer could determine that the claimant's inability to work from September 19, 2001, through the date of the hearing was due to her termination, and not due to the continuing effects of her compensable injury. Thus, the hearing officer did not err in determining that the claimant did not have disability during that period. Our review of the record does not demonstrate that the challenged determination is so against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

Robert W. Potts
Appeals Judge